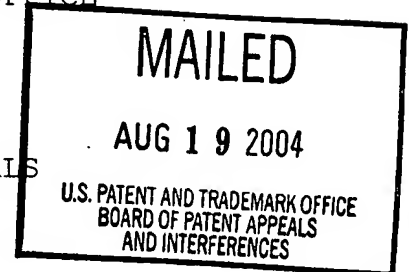


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_



Ex parte DAVID Y. SCHLOSSMAN and WILLIAM H. WELLING

\_\_\_\_\_  
Application No. 10/039,928  
\_\_\_\_\_

\_\_\_\_\_  
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received electronically at the Board of Patent Appeals and Interferences on July 19, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement by appellant was filed on August 14, 2002. There is no indication on the record, that this Information Disclosure Statement was considered by the Examiner.

Application No. 10/039,928

A written communication notifying appellant of the Examiner's receipt and consideration of the August 28, 2003 Information Disclosure Statement is required.

Accordingly, it is

**Ordered** that the application is returned to the Examiner for

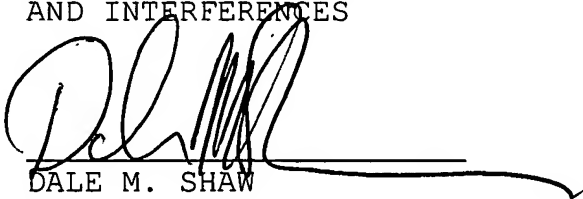
1) consideration of the August 14, 2002, Information Disclosure Statement;

2) communicate that consideration to the appellant via an official communication; and

3) for any further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', with a long horizontal line extending to the right.

DALE M. SHAW  
Program and Resource  
Administrator  
(703) 308-9797

DMS/dpv  
RA04-0759

ELMER GALBI

Application No. 10/039,928

ELMER GALBI  
MARGER, JOHNSON & MCCOLLOM  
1030 S.W. MORRISON ST.  
PORTLAND, OR 97025